

REMARKS

1. The Applicant expresses his appreciation to the Examiner for the diligence shown in the examination of this application.
2. Reconsideration of the application as amended is respectfully requested.
3. Independent claims 1 and 7 have been amended to include all limitations of respective dependent claims 2 and 8 to comply with the objections by the Examiner to claims 2-4 and 8-12. Dependent claims 2 and 8 have been cancelled. Dependent claims 3, 4 and 9 have been amended to be consistent with the amended base claim amendments and the deleted dependent claims. The claims of record are 1, 3-7 and 9-12.
4. Claims 1 and 7 were rejected under 35 U.S.C. section 102(b) as being anticipated by Capizzo et al (5989166). Claims 2-6 and 8-12 were objected to as being dependent on a rejected base claim, but allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The Applicant submits that amended base claims 1 and 7 fully meet the conditions for allowability as specified by the Examiner by including all of the limitations of the respective dependent claims 2 and 8. The Applicant believes that independent claim 5 is allowable as previously presented in that it was not dependent on a rejected base claim and has no intervening claims. Independent claim 5 meets the Examiner's preamble condition of including a dumbbell.
6. For the above reasons, the Applicant submits that the Barbell and Dumbbell Safety Spotting Apparatus disclosed and claimed in the amended claims is not taught by any of the references of record, taken either alone, or in combination. Therefore, allowance of the present application is in order and respectfully requested.

Request For Constructive Assistance

The undersigned has made a diligent effort to amend the claims of this application so that they define novel structure and render the claimed structure unobvious because it produces new and unexpected results, and meet the conditions for allowability as stated by the Examiner. If for any reason the claims of this application are not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to MEP 707.07(j) and MEP 706.03 (d) in order that this application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Very Respectfully,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: MS: Non-Fee Amendments, Commissioner of Patents, PO Box 1450, Arlington, VA 22313-1450 on: Oct 27, 2002

Kenneth S. Watkins

Name of Registered Representative


Signature Reg. No. 37466